

**REMARKS**

At the time of the Eighth Office Action dated September 8, 2008, claims 21-22, 24-30, 32-36, 37-39, and 41-44 were pending and rejected in this application. In the Decision on Appeal dated October 1, 2012, the Board reversed the rejections of claims 24-25, 27, 41-42, and 44. The Board then entered a new rounds of rejection as to claims 24-25, 27, 41-42, and 44. Referring specifically to the first full paragraph on page 12 of the Decision on Appeal, the Board asserted the following:

Nevertheless, presuming that information the profile contains is given patentable weight, neither the Examiner nor Appellants have identified any meanings for these limitations other than their customary term meanings in light of the Specification, which we find does not distinguish from customary term meanings (Spec. 31:15 – 32:2; *see* App. Br. 6). Accordingly, we apply customary term meanings. As addressed *supra*, we agree with and adopt the Examiner's findings from the reproduced Ulrich's disclosures directed to a user setting "profile parameters" (Ans. 9-10; *see* Ulrich col. 14, ll. 15-19). , Such profile parameters that are understood by a mobile device (*see id.*) teach and suggest the device's profile comprises a feature of the wireless client device. Without this suggestion, the parameters would not be understood by the mobile device. (emphasis added)

To be clear, the limitations at issue (i.e., claim 24) were "the profile of the wireless client device comprises one or both of at least one feature of the wireless client device or a device type of the wireless client device." Although the Board determined that Ulrich teaches or suggests "the device's profile comprises a feature of the wireless client device," the Board made no such findings regarding the claimed "a device type of the wireless client device." In this regard, Applicants note that independent claims 21, 28, 33, and 38 have each been amended to recite "the profile of the wireless client device includes a device type of the wireless client device," which were previously recited in claim 24.

1            Since the Board has reversed the Examiner's rejection as to claim 24 and the Board's  
2   analysis does not address these particular limitations from claim 24 that were added to the  
3   independent claims, Applicants respectfully submit that the cited prior art does not render the  
4   claimed invention obvious within the meaning of 35 U.S.C. § 103.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

Additionally Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 122158, and please credit any excess fees to such deposit account.

Date: November 30, 2012

Respectfully submitted,

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